

equipment, tools, and materials as required by the Authorized Officer. Any such structures remaining on the Leased Lands beyond the 180 days, or approved extension thereof, shall become the property of the Lessor. Lessee shall either remove all such property or shall continue to be liable for the cost of removal and disposal in the amount actually incurred by the Lessor.

(b) Lessee shall reclaim all lands which have been disturbed and dispose of all debris or solid waste in an approved manner in accordance with the schedule established in the plan of operations and maintain bond coverage until such reclamation is complete.

Section 19. Protection of Proprietary Information

(a) This lease, and any activities thereunder, shall not be construed to grant a license, permit or other right of use or ownership to the Lessor, or any other person, of the patented processes, trade secrets, or other confidential or privileged technical information (hereafter in this section called "technical processes") of the Lessee or any other party whose technical processes are embodied in improvements on the Leased Lands or used in connection with the lease.

(b) Notwithstanding any other provision of this lease, the Lessor agrees that any technical processes obtained from the Lessee which are designated by the Lessee as confidential shall: (1) Not be disclosed to persons other than employees of the Federal Government having a need for such disclosures and (2) not be copied or reproduced in any manner. The Lessor further agrees this material may not be used in any manner that will violate their proprietary nature.

(c) Prior to any disclosure pursuant to a Freedom of Information Act request, the Bureau will notify the submitter of the specific information which it has initially determined to release and give it thirty (30) days to provide a justification for the nondisclosure of the information under exemption 4 or other relevant exemptions. Your justification should address in detail, pursuant to the procedures in 43 CFR 2.23, whether the information

(1) Was submitted voluntarily and falls in a category of information that the submitter does not customarily release to the public, or

(2) If the information was required to be submitted, how substantial competitive or other business harm would likely result from release.

(c) If after reviewing the information you submit, the bureau decides to release the information over your objections, it will inform you that it intends to release the information 10 workdays after receipt of the notice by the submitter.

Section 20. Lessee's Liability to the Lessor

(a) The Lessee shall be liable to the United States for any damage suffered by the United States in any way arising from or connected with Lessee's activities and operations conducted pursuant to this lease, except where damage is caused by employees of the United States acting within the scope of their authority.

(b) The Lessee shall indemnify and hold harmless the United States from any and all

claims arising from or connected with Lessee's activities and operations under this lease.

(c) In any case where liability without fault is imposed on the Lessee pursuant to this section, and the damages involved were caused by the action of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

Section 21. Appeals

The Lessee shall have the right to appeal orders or decisions of the BLM under 43 CFR Subpart 3165.

Section 22. Special Stipulations

The special stipulations that are attached to and made a part of this lease are imposed upon the Lessee, and the Lessee's employees and agents. The failure or refusal to comply with these stipulations shall be deemed a failure of the Lessee to comply with the terms of the lease. The special stipulations may be revised or amended, in writing, by mutual consent following appropriate notice to the public.

Section 23. Conversion Rights

Upon production of commercial quantities of shale oil from the lease, the lease may be converted to a commercial lease containing up to a total of 5,120 acres, as allowed under the Mineral Leasing Act (30 U.S.C. Section 241) upon payment of fair market value for the additional acreage and the completion of appropriate NEPA analysis. This commercial lease may be issued for a term of 20 Years and so long thereafter as shale oil is produced from the Leased Lands in commercial quantities, and contain terms consistent with regulations to be developed by the Secretary pursuant to section 21 of the Mineral Leasing Act. Such commercial lease shall be subject to the readjustment of lease terms at the end of the 20th lease year and each 20 year period thereafter, and subject to payment to the Lessor of a rental of 50 cents per acre or fraction thereof and a royalty of xxx% of the gross value (provide comment of the percentage of royalty for commercial production) of the shale oil which is removed or sold by the Lessee, at the First Point of sale.

Section 24. Reimbursable Costs

In applying for required approvals, the lessee under the oil shale research and development (R & D) lease shall be subject to the obligation to reimburse the BLM as if the requirements of subpart 2808 of Part 43 of the Code of Federal Regulations (43 CFR Subpart 2808) were applicable.

Dated: September 30, 2004.

Thomas P. Lonnie,

Assistant Director, Minerals Realty, and Resource Protection.

[FR Doc. 04-25761 Filed 11-19-04; 8:45 am]

BILLING CODE 4310-AG-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of an information collection (1010-0112).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in Form MMS-131, Performance Measures Data. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments by December 22, 2004.

ADDRESSES: You may submit comments either by fax (202) 395-6566 or e-mail (OIRA_DOCKET@omb.eop.gov) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010-0112). Mail or hand carry a copy of your comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170-4817. Interested parties may submit a copy of their comments on-line to MMS, the address is: <https://occonnect.mms.gov>. From the Public Connect "Welcome" screen, you will be able to either search for Information Collection 1010-0112 or select it from the "Projects Open For Comment" menu.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Rules Processing Team, (703) 787-1600. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the form that involves the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: Form MMS-131, Performance Measures Data.

OMB Control Number: 1010-0112.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior to preserve, protect, and develop OCS oil, gas, and sulphur resources; make such resources available to meet the Nation's energy needs as rapidly as possible; balance

orderly energy resource development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources of the OCS; and preserve and maintain free enterprise competition. These responsibilities are among those delegated to MMS. MMS generally issues regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protect the environment; and result in diligent exploration, development, and production of OCS leases.

In 1991 MMS began promoting, on a voluntary basis, the implementation of a comprehensive Safety and Environmental Management Program (SEMP) for the offshore oil and gas industry as a complement to current regulatory efforts to protect people and the environment during OCS oil and gas exploration and production activities. From the beginning, MMS, the industry as a whole, and individual companies realized that at some point they would want to know the effect of SEM on safety and environmental management of the OCS. The natural consequence of this interest was the establishment of performance measures. We are requesting OMB approval for a routine renewal of the Form MMS-131, Performance Measures Data. There are a few editorial changes, but no changes to the data elements.

The responses to this collection of information are voluntary, although we consider the information to be critical for assessing the effects of the OCS Safety and Environmental Management Program. We can better focus our regulatory and research programs on areas where the performance measures indicate that operators are having difficulty meeting MMS expectations. We are more effective in leveraging resources by redirecting research efforts, promoting appropriate regulatory initiatives, and shifting inspection program emphasis. The performance measures give us valuable quantitative information to use in judging the reasonableness of company requests for alternative compliance or departures under 30 CFR 250.141 and 250.142. We also use the information collected to work with industry representatives to identify and request "pacesetter" companies make presentations at periodic workshops.

Knowing how the offshore operators as a group are doing, and where their own company ranks, provides company management with information to focus their continuous improvement efforts. This leads to more cost-effective prevention actions and, therefore, better

cost containment. This information also provides offshore operators and organizations with a credible data source to demonstrate to those outside the industry how well the industry and individual companies are doing.

No questions of a "sensitive" nature are asked, and the collection of information involves no proprietary information. We intend to release data collected on Form MMS-131 only in a summary format that is not company-specific. We will protect the information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2).

Frequency: The frequency is annual, with responses due during the 1st quarter of the calendar year.

Estimated Number and Description of Respondents: Approximately 100 Federal OCS oil and gas or sulphur lessees and we expect a 63 percent response rate.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: We estimate the public reporting burden averages 8 hours per response. This includes the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information. The total annual hour burden is estimated to be 504 hours.

Estimated Annual Reporting and Recordkeeping "Non-Hour Cost" Burden: We have identified no "non-hour cost" burden associated with Form MMS-131.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency " * * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * * " Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on June 22, 2004, we published a **Federal Register** notice (69 FR 34690) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB control numbers for the information collection requirements imposed by the 30 CFR part 250 regulations and forms; specifies that the public may comment at any time on these collections of information; and provides the address to which they should send comments. This information is also contained in the PRA statement on Form MMS-131. We have received no comments in response to these efforts.

If you wish to comment in response to this notice, send your comments directly to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by December 22, 2004.

Public Comment Policy: Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Arlene Bajusz, (202) 208-7744.

Dated: August 27, 2004.

E.P. Danenberger,
Chief, Engineering and Operations Division.
[FR Doc. 04-25879 Filed 11-19-04; 8:45 am]

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